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Old Attorney Docket No. 00801.191.NPUS01  
New Attorney Docket No. LSB.191.NPUS01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|---|---|-----------------------|
| APPLICANT:  | TUSE  | ) |                       |
| SERIAL NO.: | 10/098,606  | ) | EXAMINER: MAHATAN, C. |
| FILED:      | MARCH 15, 2002  | ) | ART UNIT: 1631        |
| TITLE:      | EPISOMAL NON-TRANSFORMING<br>NUCLEIC ACID ELEMENTS IN<br>FUNCTIONAL GENOMIC AND<br>ANTIGENIC APPLICATIONS | ) | CONF. NO.: 7669       |

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

An Office Action was mailed in the above-captioned application on June 29, 2004. In such Office Action claims 1-33 were pending. Claims 1-33 were subject to restriction/election requirement. This Response to Restriction Requirement document is submitted in response to said Office Action.

Restriction Requirement under 35 U.S.C. § 121

An election requirement was made to pending claims 1-33. The claims were placed into three groups:

Group I (claims 1 and 4-33) drawn to a method of compiling a functional gene profile of a donor organism;

Group II (claim 2) drawn to a method of identifying the sequence of an antigen of a pathogen; and

Group III (claim 3) drawn to a method of identifying the sequence of an antigen of a cancer cell.

37 CFR 1.8  
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 16, 2004.

Signature:  
Name:

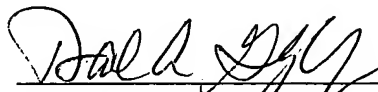
Tracy E. Crispino  
TRACY E CRISPINO

Applicant hereby elects to prosecute the invention of Group III, claim 3, without traverse.

If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned. It is believed no fee is due with this submission; however, the undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117 .

Respectfully submitted,

Date: July 16, 2004



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